



1                   **COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

2                                   **2013 Legislative Session**

3  
4 Bill No. 2013-11

5 Chapter. No. \_\_\_\_\_

6 Introduced by Charles County Commissioners

7 Date of Introduction May 22, 2013

8  
9                                   **EMERGENCY BILL**

10 AN ACT concerning

11                               WATERSHED PROTECTION AND RESTORATION PROGRAM.

12  
13 FOR the purpose of

14                   Establishing a Watershed Protection and Restoration Program in Charles County.

15  
16 BY adding a new:

17                   Chapter 275 – WATERSHED PROTECTION AND RESTORATION PROGRAM

18                   *Code of Charles County, Maryland*

19                   *(2013 Edition)*

20 **SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES**  
21 **COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:**

22                                   CHAPTER 275

23                               WATERSHED PROTECTION AND RESTORATION PROGRAM

24  
25 **SECTION 275.01. Statement of Purpose and Policy.**

26 THE PURPOSE OF THE WATERSHED PROTECTION AND RESTORATION PROGRAM  
27 IS TO PROVIDE FINANCIAL ASSISTANCE FOR THE IMPLEMENTATION OF LOCAL  
28 STORMWATER MANAGEMENT PLANS THROUGH STORMWATER MANAGEMENT  
29 PRACTICES AND STREAM AND WETLAND RESTORATION ACTIVITIES, AS SET  
30 FORTH IN SECTION 4-201.1 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED  
31 CODE OF MARYLAND.

32  
NOTE: CAPITALS indicate language added to existing law.  
[Brackets] indicate language deleted from existing law.

**SECTION 275.02. DEFINITIONS.** IN THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:

- (A) AGRICULTURAL ASSESSED PROPERTY– PROPERTY ASSESSED AS AN AGRICULTURAL USE BY THE MARYLAND STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.
- (B) DIRECTOR – THE DIRECTOR OF THE CHARLES COUNTY DEPARTMENT OF PLANNING AND GROWTH MANAGEMENT, OR THE DIRECTOR’S DESIGNEE.
- (C) IMPERVIOUS SURFACE – A SURFACE THAT DOES NOT ALLOW STORMWATER TO INFILTRATE INTO THE GROUND, AND INCLUDES, BUT IS NOT LIMITED TO, ROOFTOPS, DRIVEWAYS, SIDEWALKS, OR PAVEMENT.
- (D) PROFESSIONAL ENGINEER – A PERSON LICENSED TO PRACTICE ENGINEERING UNDER THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
- (E) PROFESSIONAL LAND SURVEYOR – A PERSON LICENSED TO PRACTICE LAND SURVEYING UNDER THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
- (F) RESIDENTIAL CONDOMINIUM - A GROUP OF HOUSING UNITS IN A MULTI-UNIT STRUCTURE, WHERE EACH HOMEOWNER OWNS THEIR INDIVIDUAL UNIT SPACE, AND ALL HOMEOWNERS SHARE OWNERSHIP OF AREAS OF COMMON USE.
- (G) ZONING DISTRICTS – DEFINED IN CHAPTER 297 OF THE CHARLES COUNTY CODE.

**SECTION 275.03. WATERSHED PROTECTION AND RESTORATION FUND.**

- (A) PURPOSE – THE WATERSHED PROTECTION AND RESTORATION FUND SHALL BE FUNDED BY THE STORMWATER REMEDIATION FEE COLLECTED UNDER THIS CHAPTER, AND IT SHALL BE USED FOR:
  - (1) CAPITAL IMPROVEMENTS FOR STORMWATER MANAGEMENT, INCLUDING STREAM AND WETLAND RESTORATION PROJECTS;
  - (2) OPERATION AND MAINTENANCE OF STORMWATER MANAGEMENT SYSTEMS AND FACILITIES;

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- 1 (3) PUBLIC EDUCATION AND OUTREACH RELATING TO STORMWATER  
2 MANAGEMENT OR STREAM AND WETLAND RESTORATION;  
3 (4) STORMWATER MANAGEMENT PLANNING, INCLUDING MAPPING  
4 AND ASSESSMENT OF IMPERVIOUS SURFACES; AS WELL AS  
5 MONITORING, INSPECTION, AND ENFORCEMENT ACTIVITIES TO  
6 CARRY OUT THE PURPOSES OF THE WATERSHED PROTECTION AND  
7 RESTORATION FUND;  
8 (5) REASONABLE COSTS NECESSARY TO ADMINISTER THE WATERSHED  
9 PROTECTION AND RESTORATION FUND; AND  
10 (6) GRANTS TO NONPROFIT ORGANIZATIONS FOR PROJECT COSTS FOR  
11 WATERSHED RESTORATION AND REHABILITATION PROJECTS BASED  
12 ON THE ANNUAL ALLOCATION OF THE FUND BUDGET. AWARDING  
13 OF GRANTS SHALL FOLLOW A POLICY DEVELOPED BY THE  
14 DEPARTMENT OF PLANNING AND GROWTH MANAGEMENT. GRANTS  
15 SHALL BE FOR THE FOLLOWING PURPOSES:  
16 (A) PLANNING, DESIGN, AND CONSTRUCTION OF STORMWATER  
17 MANAGEMENT PRACTICES;  
18 (B) STREAM AND WETLAND RESTORATION; AND  
19 (C) PUBLIC EDUCATION AND OUTREACH RELATED TO  
20 STORMWATER MANAGEMENT OR STREAM AND WETLAND  
21 RESTORATION.  
22 (B) REPORT – BEGINNING JULY 1, 2014, AND EVERY 2 YEARS THEREAFTER, THE  
23 DEPARTMENT OF FISCAL AND ADMINISTRATIVE SERVICES WILL PUBLISH  
24 A REPORT INCLUDING:  
25 (1) THE NUMBER AND CLASSIFICATION OF PROPERTIES SUBJECT TO A  
26 STORMWATER REMEDIATION FEE;  
27 (2) THE AMOUNT OF MONEY DEPOSITED INTO THE WATERSHED  
28 PROTECTION AND RESTORATION FUND OVER THE PREVIOUS TWO  
29 (2) FISCAL YEARS;  
30 (3) THE PERCENTAGE OF FUNDS IN THE WATERSHED PROTECTION AND  
31 RESTORATION FUND SPENT ON EACH OF THE PURPOSES IN  
32 SUBSECTION (A) OF THIS SECTION;

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- 1 (4) THE NUMBER OF PROPERTIES RECEIVING CREDITS, THE AMOUNT OF  
2 CREDITS, AND THE RESULTING FEE;  
3 (5) INFORMATION ABOUT THE GRANT PROGRAM; AND  
4 (6) THE NUMBER OF ANNUAL APPEALS.  
5

6 **SECTION 275.04. STORMWATER REMEDIATION FEE.**

7 (A) FEE – ALL PROPERTIES WITH IMPERVIOUS SURFACE AREA SHALL PAY A  
8 STORMWATER REMEDIATION FEE ACCORDING TO THE SCHEDULE OF FEES  
9 AND CHARGES AS SET BY THE COMMISSIONERS EACH YEAR.

10 (1) EXEMPTIONS- THE FOLLOWING ARE EXEMPT FROM THE  
11 STORMWATER REMEDIATION FEE:

- 12 (A) PROPERTY OWNED BY THE FEDERAL GOVERNMENT, STATE  
13 GOVERNMENT, THE COUNTY, A MUNICIPALITY, A  
14 REGULARLY ORGANIZED VOLUNTEER FIRE DEPARTMENT, OR  
15 A REGULARLY ORGANIZED VOLUNTEER EMERGENCY  
16 MEDICAL SERVICE THAT IS RECOGNIZED BY THE COUNTY;  
17 (B) PROPERTY LOCATED WITHIN THE MUNICIPAL BOUNDARIES  
18 OF THE TOWN OF INDIAN HEAD AND THE TOWN OF LA PLATA,  
19 AS LONG AS THOSE TOWNS ASSESS THEIR OWN  
20 STORMWATER REMEDIATION FEE AS DESCRIBED IN SECTION  
21 4-201.1 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED  
22 CODE OF MARYLAND;  
23 (C) PROPERTY OWNED BY A DISABLED VETERAN;  
24 (D) PROPERTY WITH NO IMPERVIOUS SURFACE;  
25 (E) PROPERTY SUBJECT TO AN NPDES STORMWATER PERMIT  
26 CONTAINING A PROVISION TO PROVIDE STORMWATER  
27 MANAGEMENT FOR 20% OF THE UNMANAGED IMPERVIOUS  
28 SURFACE WITHIN A FIVE YEAR TIME PERIOD; AND  
29 (F) PROPERTY OWNED BY A PERSON OR PERSONS WHO  
30 DEMONSTRATE SUBSTANTIAL FINANCIAL HARDSHIP  
31 ACCORDING TO THE QUALIFICATIONS IN SECTION (E) BELOW.

- 1           (2)     THE STORMWATER REMEDIATION FEE IS SEPARATE FROM ANY  
2                    CHARGES RELATED TO STORMWATER MANAGEMENT FOR NEW  
3                    DEVELOPMENTS, INCLUDING FEES FOR PERMITS, REVIEW OF  
4                    STORMWATER MANAGEMENT PLANS, INSPECTIONS, AND  
5                    MONITORING.
- 6           (3)     THE STORMWATER REMEDIATION FEE SHALL BE BILLED,  
7                    COLLECTED, AND DEPOSITED IN THE WATERSHED PROTECTION AND  
8                    RESTORATION FUND BY THE DEPARTMENT OF FISCAL AND  
9                    ADMINISTRATIVE SERVICES.
- 10          (4)     THE STORMWATER REMEDIATION FEE IMPOSED UNDER THIS  
11                    CHAPTER AND ALL INTEREST AND PENALTIES ON THE CHARGES  
12                    ARE A PERSONAL DEBT OWED BY THE OWNER OF THE PROPERTY  
13                    SUBJECT TO THE FEE.
- 14          (5)     THE STORMWATER REMEDIATION FEE, AND ALL ACCOMPANYING  
15                    INTEREST AND PENALTIES ON A LATE OR UNPAID CHARGE,  
16                    CONSTITUTES A LIEN IN FAVOR OF CHARLES COUNTY ON THE  
17                    PROPERTY SUBJECT TO THE FEE. ALL INTEREST AND PENALTIES  
18                    COLLECTED SHALL BE DEPOSITED INTO THE WATERSHED  
19                    PROTECTION AND RESTORATION FUND.
- 20          (6)     THE DEPARTMENT OF FISCAL AND ADMINISTRATIVE SERVICES MAY  
21                    ADOPT RULES AND REGULATIONS NECESSARY OR PROPER TO  
22                    FULLY ENFORCE AND COLLECT THE CHARGES IMPOSED UNDER  
23                    THIS CHAPTER.
- 24    (B)     REDUCTION OF FEE -
- 25          (1)     A STORMWATER REMEDIATION FEE MAY BE REDUCED TO ACCOUNT  
26                    FOR ON-SITE SYSTEMS, FACILITIES, SERVICES, OR ACTIVITIES THAT  
27                    REDUCE THE QUANTITY OR IMPROVE THE QUALITY OF  
28                    STORMWATER DISCHARGED FROM THE PROPERTY, AND MEET OR  
29                    EXCEED THE “2000 MARYLAND STORMWATER DESIGN MANUAL,  
30                    VOLUMES I AND II.” THE STORMWATER REMEDIATION FEE MAY BE  
31                    REDUCED A MAXIMUM OF 50% PER PROPERTY.

- 1 (2) A STORMWATER FEE MAY BE REDUCED BY A MAXIMUM OF 50% ON  
2 AN AGRICULTURAL ASSESSED PROPERTY, COVERED BY A SOIL  
3 CONSERVATION & WATER QUALITY PLAN THAT IS APPROVED BY  
4 THE LOCAL SOIL CONSERVATION DISTRICT, OR A PROPERTY  
5 COVERED BY A FOREST MANAGEMENT PLAN.
- 6 (3) THE DEPARTMENT OF PLANNING AND GROWTH MANAGEMENT  
7 SHALL ESTABLISH POLICIES AND PROCEDURES FOR:
- 8 (A) DETERMINING WHICH PROPERTIES MAY BE ELIGIBLE FOR A  
9 FEE REDUCTION,
- 10 (B) THE METHOD FOR CALCULATING THE AMOUNT OF A FEE  
11 REDUCTION, AND
- 12 (C) PROCEDURES FOR MONITORING AND VERIFYING THE  
13 EFFECTIVENESS OF THE ON-SITE SYSTEMS, FACILITIES,  
14 SERVICES, OR ACTIVITIES IN REDUCING THE QUANTITY OR  
15 IMPROVING THE QUALITY OF STORMWATER DISCHARGED  
16 FROM THE PROPERTY.
- 17 (4) ANY FEE REDUCTION WILL BE REFLECTED ON THE BILL AS A  
18 CREDIT.
- 19 (5) ANY FEE REDUCTION MUST BE RENEWED EVERY THREE YEARS BY  
20 SUBMITTING AN APPLICATION PROVIDED BY THE DEPARTMENT OF  
21 PLANNING AND GROWTH MANAGEMENT AND A LETTER FROM A  
22 PROFESSIONAL ENGINEER OR PROFESSIONAL LAND SURVEYOR,  
23 CERTIFYING THAT THE FACILITIES OR PRACTICES IDENTIFIED AND  
24 APPROVED IN ITEM (1) OF THIS SUBSECTION HAVE BEEN PROPERLY  
25 MAINTAINED AND ARE FUNCTIONING ACCORDING TO THE COUNTY  
26 APPROVED DESIGN.
- 27 (C) THE DEPARTMENT OF PLANNING AND GROWTH MANAGEMENT MAY  
28 ADOPT POLICIES AND PROCEDURES FOR A REBATE PROGRAM FOR  
29 RESIDENTIAL PROPERTIES SUBJECT TO THE STORMWATER REMEDIATION  
30 FEE.

- 1 (D) INSPECTIONS - TO MONITOR OR VERIFY THE EFFECTIVENESS OF ON-SITE  
2 SYSTEMS, FACILITIES, SERVICES, OR ACTIVITIES OF SECTIONS (B) AND (C),  
3 THE COUNTY MAY:
- 4 (1) CONDUCT ON-SITE INSPECTIONS,  
5 (2) AUTHORIZE A THIRD-PARTY TO CONDUCT ON-SITE INSPECTIONS, OR  
6 (3) REQUIRE A PROPERTY OWNER TO HIRE A THIRD PARTY TO  
7 CONDUCT THE ON-SITE INSPECTION AND PROVIDE THE RESULTS OF  
8 SUCH INSPECTION AND ANY OTHER INFORMATION REQUIRED.
- 9 (E) APPEALS -
- 10 (1) A PROPERTY OWNER MAY REQUEST A REVIEW AND ADJUSTMENT  
11 OF THE STORMWATER REMEDIATION FEE BY PETITIONING THE  
12 DIRECTOR IN WRITING ON AN APPLICATION PROVIDED BY THE  
13 DEPARTMENT OF PLANNING AND GROWTH MANAGEMENT. SUCH  
14 APPLICATION MUST BE MADE WITHIN 30 DAYS OF THE DATE OF  
15 THE BILL THE OWNER WISHES TO CONTEST.
- 16 (2) WHEN SUBMITTING A PETITION FOR REVIEW OF THE STORMWATER  
17 REMEDIATION FEE, THE PROPERTY OWNER MUST INCLUDE A  
18 DETAILED STATEMENT OF THE BASIS FOR THE PETITION AND  
19 DOCUMENTS SUPPORTING THE PROPERTY OWNER'S ASSERTION  
20 THAT THE PROPERTY IS NOT SUBJECT TO THE FEE UNDER  
21 APPLICABLE LAW.
- 22 (3) WITHIN 90 DAYS OF RECEIVING THE PETITION, THE DIRECTOR  
23 SHALL REVIEW THE PETITION AND MAKE A WRITTEN  
24 DETERMINATION OF WHETHER THE PROPERTY OWNER'S REQUEST  
25 FOR AN ADJUSTMENT OF THE STORMWATER REMEDIATION FEE  
26 SHOULD BE GRANTED OR DENIED. THE DIRECTOR MAY ALSO  
27 REQUEST ADDITIONAL INFORMATION FROM THE PROPERTY OWNER  
28 THAT THE DIRECTOR REASONABLY BELIEVES WILL HELP THE  
29 DIRECTOR DECIDE WHETHER THE PROPERTY OWNER IS ENTITLED  
30 TO AN ADJUSTMENT.
- 31 (4) IF THE DIRECTOR CONCLUDES THAT THE STORMWATER  
32 REMEDIATION FEE WAS LEVIED BY MISTAKE OR RESULTED FROM

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1 AN INACCURATE COMPUTATION, THE DIRECTOR SHALL SUBMIT  
2 THE CORRECTED DATA TO THE DEPARTMENT OF FISCAL AND  
3 ADMINISTRATIVE SERVICES WITH A REQUEST FOR AN ADJUSTMENT  
4 TO THE PROPERTY OWNER'S BILL. AFTER RECEIVING THE  
5 DIRECTOR'S REQUEST, THE DIRECTOR OF FISCAL AND  
6 ADMINISTRATIVE SERVICES SHALL MAKE AN APPROPRIATE  
7 ADJUSTMENT BASED ON THE NEW DATA SUBMITTED BY THE  
8 DIRECTOR AND REFUND ANY OVERPAYMENT TO THE PROPERTY  
9 OWNER.

10 (F) SUBSTANTIAL FINANCIAL HARDSHIP

11 (1) A PROPERTY OWNER MAY REQUEST A SUBSTANTIAL FINANCIAL  
12 HARDSHIP EXEMPTION BY PETITIONING THE TREASURY DIVISION  
13 OF THE DEPARTMENT OF FISCAL AND ADMINISTRATIVE SERVICES  
14 IN WRITING BY OCTOBER 31 OF THE TAX YEAR FOR WHICH THE  
15 EXEMPTION IS CLAIMED.

16 (2) TO QUALIFY FOR A SUBSTANTIAL FINANCIAL HARDSHIP  
17 EXEMPTION:

18 (A) THE PROPERTY FOR WHICH THE EXEMPTION IS REQUESTED  
19 SHALL BE A SINGLE FAMILY DETACHED RESIDENCE, A TOWN  
20 HOUSE, A RESIDENTIAL CONDOMINIUM, OR AN  
21 AGRICULTURAL ASSESSED PROPERTY;

22 (B) AT LEAST ONE OF THE PROPERTY OWNERS SHALL BE AN  
23 OCCUPANT OF THE PROPERTY; AND

24 (C ) AT LEAST TWO OF THE FOLLOWING FOUR CRITERIA SHALL BE  
25 MET:

26 I. THE COMBINED GROSS INCOME OF THE PROPERTY  
27 OWNERS, AS DEFINED IN THE TAX-PROPERTY ARTICLE,  
28 SECTION 9-104, OF THE ANNOTATED CODE OF  
29 MARYLAND, DOES NOT EXCEED THE POVERTY  
30 GUIDELINES UPDATED PERIODICALLY IN THE FEDERAL  
31 REGISTER BY THE UNITED STATES DEPARTMENT OF

- 1 HEALTH AND HUMAN SERVICES UNDER THE  
2 AUTHORITY OF 42 U.S.C. SECTION 9902(2), AS AMENDED;  
3 II. AT LEAST ONE OF THE PROPERTY OWNERS WHO  
4 RESIDES AT THE PROPERTY RECEIVES AN ENERGY  
5 ASSISTANCE SUBSIDY IN ACCORDANCE WITH A FUEL  
6 AND UTILITY ASSISTANCE PROGRAM ESTABLISHED  
7 UNDER THE HUMAN SERVICES ARTICLE, SUBSECTION 5-  
8 5A-07, OF THE ANNOTATED CODE OF MARYLAND, AS  
9 AMENDED;  
10 III. AT LEAST ONE OF THE PROPERTY OWNERS WHO  
11 RESIDES AT THE PROPERTY RECEIVES SUPPLEMENTAL  
12 SECURITY INCOME UNDER 42 U.S.C. SECTION 1381, ET  
13 SEQ., AS AMENDED, OR FOOD STAMPS UNDER 7 U.S.C.  
14 SECTION 2011, ET SEQ., AS AMENDED; OR  
15 IV. AT LEAST ONE OF THE PROPERTY OWNERS WHO  
16 RESIDES AT THE PROPERTY RECEIVES VETERANS OR  
17 SOCIAL SECURITY BENEFITS UNDER THE SOCIAL  
18 SECURITY ACT, THE RAILROAD RETIREMENT ACT, ANY  
19 FEDERAL ACT FOR MEMBERS OF THE UNITED STATES  
20 ARMED FORCES, OR ANY FEDERAL RETIREMENT  
21 SYSTEM.  
22

23 **SECTION 275.05. SEVERABILITY.**

24 IF ANY SECTION, SENTENCE, CLAUSE, OR PHRASE OF THIS CHAPTER IS HELD  
25 INVALID OR UNCONSTITUTIONAL BY ANY COURT OF COMPETENT JURISDICTION,  
26 THE RULING SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS  
27 OF THIS CHAPTER.  
28

29 **SECTION 2.** BE IT FURTHER ENACTED, that an emergency is hereby declared to  
30 exist affecting the public health, safety or welfare of the citizens of Charles County, said  
31 emergency being the need to meet the requirements of State law relating to the implementation  
32 of local stormwater management plans.

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1           **SECTION 3.** BE IT FURTHER ENACTED, that this Act shall take effect on the day it  
2 becomes law.

3  
4           ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2013.

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6                                   COUNTY COMMISSIONERS  
7                                   CHARLES COUNTY, MARYLAND

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10                                   \_\_\_\_\_  
11                                   Candice Quinn Kelly, President

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13                                   \_\_\_\_\_  
14                                   Reuben B. Collins, II, Esq., Vice President

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17                                   \_\_\_\_\_  
18                                   Ken Robinson

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21                                   \_\_\_\_\_  
22                                   Debra M. Davis, Esq.

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25                                   \_\_\_\_\_  
26                                   Bobby Rucci

27  
28       ATTEST:

29  
30       \_\_\_\_\_  
31       Denise Ferguson, Clerk to the Commissioners  
32